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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBYN ANN HOWELL,

Defendant.

Case No. 2:18-cr-00379-CW

MOTION FOR RESTITUTION

Judge Clark Waddoups

The United States moves the Court to enter restitution as part of the judgment in this matter,
thereby ordering the Defendant to pay \$76,492.00 to:

Social Security Administration,
Debt Management Section
Attn: Court Refund
P.O. Box 2861
Philadelphia, PA 19122

In support of this motion, the United States set forth the following:

1. On August 8, 2018, a federal grand jury returned an Indictment charging the Defendant with one count of Theft of Government Money, in violation of 18 U.S.C. § 641. ECF No. 1-1.

2. On November 11, 2019, the Defendant pleaded guilty to Count One of the Indictment and acknowledged her responsibility for the conduct charged, as follows (as included

in the signed Statement by Defendant in Advance of Plea of Guilt and Plea Agreement, ECF No. 23):

Beginning on or about May 2017 and continuing through November 2017 in the Central Division of the district of Utah, I willfully and knowingly stole money from the Social Security Administration, a department or agency of the United States. More specifically, prior to the relevant time period I was married. During the marriage my husband applied for disability benefits from the Social Security Administration (“SSA”). On April 2, 2015, my husband and I divorced. Pursuant to the divorce decree, I retained possession of a shared ~~Wells Fargo~~ Zions bank account and my husband was removed from the account shortly thereafter.

In May 2017, my ex-husband was awarded disability benefits from SSA and a retroactive payment in the amount of \$68,726.00 was deposited into the ~~Wells Fargo~~ Zions account. Between June and October 2017, five monthly payments were deposited into the account totaling \$7,766.00. I knew these payments were from SSA and were issued for my ex-husband’s benefit. I did not return these payments to SSA or provide them to my ex-husband. I acknowledge that I was not entitled to at least \$42,129.00 of these funds and that my conduct violated 18 U.S.C. § 641.

3. The full amount of restitution requested by the United States by this motion is \$76,492.00. This figure represents the total amount of money the United States asserts the Defendant willfully stole from the Social Security Administration. However, the Defendant only conceded to not being entitled to “at least \$42,129.00” when entering her guilty plea. The Statement by Defendant in Advance of Plea of Guilt and Plea Agreement, ECF No. 23, included the following additional language:

I agree that I am subject to mandatory restitution because my case falls within the provisions of 18 U.S.C. § 3663A(a)(1) and (c)(1) based on an offense described in § 3663A(c)(1) that gave rise to this plea agreement. My attorney has explained what mandatory restitution means. I agree to pay restitution to the Social Security Administration in the amount of at least \$42,129.00. I also agree to pay restitution of unpleaded relevant conduct pursuant to 18 U.S.C. § 3663A(a)(3) in an amount to be determined by the Court. I understand that the United States will request restitution in the amount of \$76,492.00.

4. At the time of the change of plea hearing, sentencing in this matter was scheduled for January 1, 2020, advising the parties to schedule a restitution hearing in advance of sentencing. ECF No. 21.

5. The sentencing hearing in this matter was subsequently vacated, to be rescheduled at a later date. ECF No. 28.

6. On May 11, 2021, the court granted the motion filed by the United States, scheduling an in-person evidentiary hearing to address the issue of restitution. ECF No. 36. This hearing was then continued to June 28, 2021. ECF No. 39.

7. At the time of the evidentiary hearing in this matter, the United States anticipates presenting Government's Exhibits A through G in support an order of restitution in the amount of \$76,492.00. Due to the personal identifying information contained within the exhibits, the exhibits will be submitted under a separate sealed filing. The exhibits include the following:

- a. Exhibit A: Statement by Defendant in Advance of Plea of Guilt and Plea Agreement, ECF No. 23
- b. Exhibit B: Notice of Decision – Fully Favorable, April 26, 2017
- c. Exhibit C: Notice of Award, May 16, 2017
- d. Exhibit D: TCIS Electronic Transfer Records
- e. Exhibit E: Zions Bank Records, acct ending 5913
- f. Exhibit F: Decree of Divorce, Utah Third District Court, case 144905583
- g. Exhibit G: Social Security Payment Table (demonstrative)

DATED this 21st day of June, 2021.

ANDREA T. MARTINEZ
Acting United States Attorney

/s/Kent A. Burggraaf
KENT A. BURGGRAAF
Special Assistant United States Attorney